

REMARKS

Claims 1-7 are all the claims pending in the application.

Claims 1-7 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kobayakawa. To be an “anticipation” rejection under 35 U.S.C. § 102, the reference must teach every element and limitation of the Applicant’s claims. Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus the reference must clearly and unequivocally disclose every element and limitation of the claimed invention.

Applicant submits that the Kobayakawa fails to teach that the despreading means uses the code calculated by and output directly from the despreading code calculating means. The Examiner alleges that that the adaptive weight code unit 4 calculates an adaptive weight code based on delays given to the reception signals and coefficients representing the phase/amplitude ratios of the transmission paths. Assuming *arguendo* that the adaptive weight code teaches the claimed despreading code, Applicant submits that Kobayakawa still fails to teach that the despreading means uses the code calculated by and output directly from the despreading code calculating means.

Specifically, the claimed code for despreading the reception signal is calculated based on the delays given to the reception signal over transmission paths and the coefficients representing the respective phase/amplitude ratios of the transmission paths. The reception signal is despread using the calculated code. The claimed despreading means despreads the reception signal using the code calculated by and output directly from the despreading code calculating means.

Here, the Examiner assumes that the adaptive weight code unit 4 teaches the despreading code calculating means. However, the alleged despreading means of Kobayakawa (i.e. fingers 6₁-6_K) does not use the adaptive weight code output directly from the alleged despreading code calculating means (i.e. adaptive weight code unit 4) to despread the reception signal. For example, as shown in Figs. 3 and 5, the adaptive weight code is output, not to the alleged despreading means (i.e. fingers 6₁-6_K), but to the beam formers 5 prior to despreading. *See col. 6:47-52*. The beam formers 5 only use the adaptive weight code to apply amplitude control and phase rotation to the reception signals. The adaptive weight code is then no longer used.

The alleged despreading means (i.e. fingers 6₁-6_K) uses conventional techniques to despread the signals input from the beam formers 5. Kobayakawa teaches that by using conventional despreading techniques, an ordinary DS-CDMA Rake receiver 6 can be used. *See col. 6:34-35*. Thus, since the alleged despreading means of Kobayakawa (i.e. fingers 6₁-6_K) does not use the adaptive weight code output directly from the alleged despreading code calculating means (i.e. adaptive weight code unit 4) to despread the reception signal, Kobayakawa fails to teach each and every limitation of the claimed invention.

Therefore, since Kobayakawa does not teach each and every limitation of the claims 1-7, Applicant requests that the rejection of claims 1-7 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

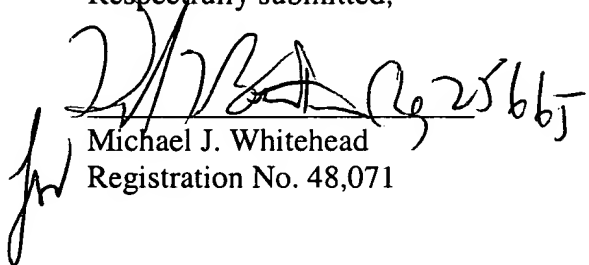
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